

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SANJAY TRIPATHY,

Plaintiff,

SIXTH AMENDED
SCHEDULING ORDER
19-CV-6614 FPG/MJP

vs.

CAPTAIN LOCKWOOD, et al.,

Defendants.

The parties having agreed on a proposed amended schedule during a conference with the Court on September 25, 2023, the Court hereby

ORDERS that:

1. The deadline for mandatory disclosure requirements found in Rule 26(a)(1) of the Federal Rules of Civil Procedure, as well as any objections to the mandatory disclosure requirements for any new parties added in the amended complaint that are not dismissed on the threshold motion has passed.
2. The deadline for motions to join other parties and to amend the pleadings has passed.
3. All factual discovery in this case shall be completed on or before **60 days from the entry of the decision and order denying the pending motion to dismiss (ECF No. 138) that leaves the new Defendants**

- added.** All motions to compel discovery shall be filed by **on or before 90 days from the entry of the decision and order denying the pending motion to dismiss (ECF No. 138) that leaves the new Defendants added.**
4. Plaintiff shall identify any expert witnesses and provide reports pursuant to Fed. R. Civ. P. 26 **within 30 days from the deadline for fact discovery.**
 5. Dispositive motions, if any, shall be filed no later than **60 days after the close of expert discovery.** Unless a consent to proceed before this Court is filed, such motions shall be made returnable before Judge Geraci.
 6. A trial date status conference pursuant to Fed. R. Civ. P. Rule 16(e) and Local Rule 16 will be held, if necessary, at a date and time to be determined by the trial judge after determination of dispositive motions. If no dispositive motions are filed, counsel shall immediately contact the trial judge so that a trial date status conference can be scheduled.


At least seven (7) days prior to the trial date status conference, the parties shall file a joint case status report setting forth the information described below. If the parties disagree as to the information to be provided, the report must set forth their different responses. The joint status report shall contain:

- a. Nature of the Case: Set forth a brief description of the action, identifying the parties, all counsel of record, the relief requested, any affirmative defenses and any relationship the case may have to other pending actions.
 - b. Motion Practice: Are any motions, dispositive or non-dispositive, pending? If so, briefly describe the motion. Explain if additional motion practice is necessary before the matter is ready to be tried.
 - c. Settlement: Describe the status of settlement negotiations. If the parties believe a court supervised settlement/mediation conference would be of assistance in resolving the case or narrowing disputed issues, please state.
 - d. Trial: State whether the case is ready for trial. If not, explain why. Set forth an estimate of how long the trial will take and whether the case is jury or non-jury.
7. Requests to extend the above cut-off dates may be granted upon written application, made prior to the cutoff date, and showing good cause for the extension. Application for extensions should be made to the Magistrate Judge. Joint or unopposed requests to extend the deadlines set forth in this order need not be made by formal motion, but rather may be sought in a letter to the court. Letter requests must detail good cause for the extension and propose new deadlines.

8. The Court requires that should any discovery dispute arise between the parties that a letter be sent to the Court detailing the dispute prior to any motion practice.

SO ORDERED.

DATED: September 25, 2023
Rochester, New York


MARK W. PEDERSEN
United States Magistrate Judge